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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 19th October, 1973/Asvina 27, 1895 (Saka)

The following President's Act is published for general information:—

THE UTTAR PRADESH CIVIL LAWS (AMENDMENT) ACT, 1973

NO. 19 OF 1973

Enacted by the President in the Twenty-fourth Year of the Republic of India.

An Act further to amend the Code of Civil Procedure, 1908, and the Bengal, Agra and Assam Civil Courts Act, 1887 in their application to Uttar Pradesh, and the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972.

In exercise of the powers conferred by section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1973, the President is pleased to enact as follows:— 33 of 1973.

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Uttar Pradesh Civil Laws (Amendment) Act, 1973.

(2) It extends to the whole of Uttar Pradesh.

(3) This section shall come into force at once, sections 5 and 6 shall be deemed to have come into force on the 15th day of July, 1972 and the remaining sections shall be deemed to have come into force on the 20th day of September, 1972.

CHAPTER II

AMENDMENTS TO THE CODE OF CIVIL PROCEDURE, 1908

Substitution of new section for section 115.

2. For section 115 of the Code of Civil Procedure, 1908, as amended in its application to Uttar Pradesh (hereafter in this Chapter referred to as the said Code), the following section shall be substituted, namely:— 5 of 1908.

Revision.

"115. The High Court in cases arising out of original suits or the value of rupees twenty thousand and above including such suits instituted before the 20th day of September, 1972, and the District Court in any other case, including a case arising out of an original suit instituted before the 20th day of September, 1972, may call for the record of any case which has been decided by any Court subordinate to such High Court or District Court, as the case may be, and in which no appeal lies thereto, and if such subordinate Court appears—

(*a*) to have exercised a jurisdiction not vested in it by law, or

(*b*) to have failed to exercise a jurisdiction so vested, or

(*c*) to have acted in the exercise of its jurisdiction illegally or with material irregularity,

the High Court or the District Court, as the case may be, may make such order in the case as it thinks fit:

Provided that in respect of cases decided before the 20th day of September, 1972, and also all cases arising out of original suits of any valuation decided by the District Court, the High Court alone shall be competent to make an order under this section.".

Amendment of the First Schedule.

3. In the First Schedule to the said Code, in Order L, in rule 1, in clause (*b*), for the words and figures "Order XV, except so much of rule 4 as provides for the pronouncement at once of judgment", the words and figures "Order XV, except so much of rule 4 as provides for the pronouncement at once of judgment and rule 5" shall be substituted.

CHAPTER III

AMENDMENT TO THE BENGAL, AGRA AND ASSAM CIVIL COURTS ACT, 1887

Amendment of section 25.

4. In section 25 of the Bengal, Agra and Assam Civil Courts Act, 1887, as amended in its application to Uttar Pradesh, after sub-section (3), the following sub-section shall be inserted, namely:— 12 of 1887.

"(4) Where the jurisdiction of a Judge of a Court of Small Causes is conferred upon any District Judge or Additional District Judge by notification under this section, then, notwithstanding anything contained in section 15 of the Provincial Small Cause Courts Act, 1887, all suits referred to in sub-section (2) shall be cognizable by Court of Small Causes.". 9 of 1887.

CHAPTER IV

AMENDMENTS TO THE UTTAR PRADESH URBAN BUILDINGS (REGULATION OF LETTING, RENT AND EVICTION) ACT, 1972

Amendment of section 2.

U.P. Act 13 of 1972.

5. In section 2 of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 (hereafter in this Chapter referred to as the principal Act), in sub-section (*1*), in clause (c), after the words and figures "a factory within the meaning of the Factories Act, 1948", the words "where the plant of such factory is leased out along with the building" shall be inserted.

Amendment of section 8.

6. In section 8 of the principal Act, in sub-section (*1*), for the words "determine such amount", the words "determine such dispute" shall be substituted.

Amendment of section 43.

7. In section 43 of the principal Act, in sub-section (*2*),—

(*i*) in clause (*q*), the words, brackets and letter "or clause (*p*)" shall be omitted;

U.P. Act 37 of 1972.

(*ii*) in clause (*r*), for the words "the commencement of this Act", the words and figures "the commencement of the Uttar Pradesh Civil Laws Amendment Act, 1972" shall be substituted.

V. V. GIRI,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment

The Uttar Pradesh Civil Laws Amendment Act, 1972, which came into force on September 20, 1972 amended *inter alia* section 115 of the Code of Civil Procedure, 1908, so as to provide that in cases of suits valued below Rs. 20,000 the District Courts alone (and not the High Court) shall be competent to entertain the revisions. A Full Bench has been constituted by the High Court to consider the question whether the aforesaid amendment to section 115 would apply also in respect of cases instituted in the trial courts before September 20, 1972. The amendment proposed in clause 2 of the Bill is intended to clarify the legal position in this regard.

2. Similarly, the amendment proposed in clause 5 of the Bill is intended to prevent the abuse of the exempting provision contained in clause (c) of section 2(1) of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972, which excludes any building used or intended to be used as a factory from the operation of the said Act. It has been represented that landlords have claimed unintended benefit by invoking the exemption provision in cases where any plant is installed by a tenant in a building leased out by the landlord. It is, therefore, proposed that the exemption under clause (c) of section 2(1) of the Act should be applicable only where the building is leased by the landlord along with the plant installed therein and not otherwise. Clause (c) of section 2(1) after it is amended in the manner proposed would be in conformity with the existing provision in clause (d) of the said section 2(1).

3. Opportunity is also being taken to carry out some other amendments of consequential or clarificatory nature in Order L of the First Schedule to the Code of Civil Procedure, 1908, and section 25 of the Bengal, Agra and Assam Civil Courts Act, 1887 in their application to the State of Uttar Pradesh, and sections 8 and 43 of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972.

4. The Committee constituted under the proviso to sub-section (2) of section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1973 (33 of 1973) has been consulted before the enactment of this measure as a President's Act.

K. K. SUNDARAM,

Secy. to the Govt. of India,
Min. of Law, Justice and Company Affairs
(Legislative Department).

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